

SECOND REGULAR SESSION

SENATE BILL NO. 903

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GRIESHEIMER.

Pre-filed January 2, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

4062S.011

AN ACT

To repeal sections 387.075 and 390.030, RSMo, and to enact in lieu thereof one new section relating to the regulation of household good movers.

Be it enacted by the General Assembly of the State of Missouri, as follows:

- Section A. Sections 387.075 and 390.030, RSMo, are repealed and one new
- 2 section enacted in lieu thereof, to be known as section 390.030, to read as follows:
- 390.030. 1. The provisions of this chapter shall not apply to:
- 2 (1) School buses;
- 3 (2) Taxicabs;
- 4 (3) Motor vehicles while being used exclusively to transport:
- 5 (a) Stocker and feeder livestock from farm to farm, or from market to
- 6 farm,
- 7 (b) Farm or dairy products including livestock from a farm or dairy,
- 8 (c) Agricultural limestone or fertilizer to farms,
- 9 (d) Property from farm to farm,
- 10 (e) Raw forest products from farm, or
- 11 (f) Cotton, cottonseed, and cottonseed hulls;
- 12 (4) Motor vehicles when operated under contract with the federal
- 13 government for carrying the United States mail and when on a trip provided in
- 14 the contract;
- 15 (5) Motor vehicles used solely in the distribution of newspapers from the
- 16 publisher to subscribers or distributors;
- 17 (6) The transportation of passengers or property performed by a carrier
- 18 pursuant to a contract between the carrier and the state of Missouri or any civil
- 19 subdivision thereof, where the transportation services are paid directly to the

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 carrier by the state of Missouri or civil subdivision;

21 (7) Freight-carrying motor vehicles duly registered and licensed in
22 conformity with the provisions of chapter 301, RSMo, for a gross weight of six
23 thousand pounds or less;

24 (8) The transportation of passengers or property wholly within a
25 municipality, or between contiguous municipalities, or within a commercial zone
26 as defined in section 390.020, or within a commercial zone established by the
27 division of motor carrier and railroad safety pursuant to the provisions of
28 subdivision (4) of section 390.041; provided, the exemption in this subdivision
29 shall not apply to motor carriers of persons operating to, from or between points
30 located wholly or in part in counties now or hereafter having a population of more
31 than three hundred thousand persons, where such points are not within the same
32 municipality and to motor carriers of commodities in bulk to include liquids, in
33 tank or hopper type vehicles, and in a commercial zone as defined herein or by
34 the division;

35 (9) Street railroads and public utilities other than common carriers as
36 defined in section 386.020, RSMo;

37 (10) Motor vehicles whose operations in the state of Missouri are
38 interstate in character and are limited exclusively to a municipality and its
39 commercial zone;

40 (11) Motor vehicles, commonly known as tow trucks or wreckers, designed
41 and exclusively used in the business of towing or otherwise rendering assistance
42 to abandoned, disabled or wrecked vehicles;

43 (12) Motor vehicles while being used solely by a group of employees to
44 commute to and from their place or places of employment, except that the motor
45 vehicle must be driven by a member of the group.

46 2. Nothing contained in this section shall be deemed to exempt the
47 vehicles of driveaway operators.

48 3. Except for the provisions of subdivision (5) of section 390.041, the
49 provisions of this chapter shall not apply to private carriers.

50 4. No agency of state government nor any county or municipality or their
51 agencies shall discriminate against any motor carrier or private carrier or deny
52 any such carrier operating a motor vehicle public access to any building, facility
53 or area owned by or operated for the public unless such discrimination or denial
54 is based solely on reasonable vehicle size or weight considerations. The
55 provisions of this subsection shall only apply in cities not within a county and

56 first class counties with a charter form of government which adjoin any city not
57 within a county.

58 [5. Beginning January 1, 2008, the exemptions in subdivisions (8) and (10)
59 of subsection 1 of this section shall not apply to intrastate motor carriers that
60 transport household goods.]

[387.075. 1. Notwithstanding any provision of chapter 390,
2 RSMo, chapter 622, RSMo, or this chapter to the contrary, any
3 common carrier that is authorized to transport household goods by
4 a certificate issued under section 390.051, RSMo, may file one or
5 more applications to the state highways and transportation
6 commission for approval of rate schedules, applicable to that
7 carrier's intrastate transportation of household goods, that
8 authorize periodic rate adjustments outside of general rate
9 proceedings to reflect increases and decreases in the carrier's
10 prudently incurred costs of providing transportation of property by
11 motor vehicle. The filing of applications by common carriers under
12 this section shall be authorized upon the same terms and
13 conditions as provided in section 386.266, RSMo, with reference to
14 the filing of applications to the public service commission by an
15 electrical, gas, or water corporation. These applications shall be
16 made in such form, and shall contain such information, as the state
17 highways and transportation commission reasonably may require.

18 2. Notwithstanding any provision of chapter 390, RSMo,
19 chapter 622, RSMo, or this chapter to the contrary, the state
20 highways and transportation commission shall consider and
21 determine every application filed under subsection 1 of this section,
22 upon the same terms and conditions as provided in section 386.266,
23 RSMo, with reference to the public service commission's
24 consideration and determination of applications by an electrical,
25 gas, or water corporation under that section.

26 3. In proceedings under this section, common carriers and
27 the state highways and transportation commission shall be
28 governed by the statutes and rules of practice and procedure that
29 are applicable in motor carrier proceedings under this chapter and
30 chapters 390 and 622, RSMo, except to the extent they are
31 inconsistent with the requirements of this section. The statutes

32 and rules that generally govern public service commission
33 proceedings relating to electrical, gas, and water corporations shall
34 not apply in proceedings under this section.]

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